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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 ENVIRONMENTAL PROTECTION
17 INFORMATION CENTER,

18 Plaintiff,

19 v.

20 ANN CARLSON, in her official capacity as
the Forest Supervisor of the Mendocino
21 National Forest; and the UNITED STATES
FOREST SERVICE,

22 Defendants.
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No. 3:19-cv-6643-EMC

**SECOND DECLARATION OF
RENÉ VOSS**

1 I, René Voss, declare as follows.

2 1. I am one of the attorneys of record for Plaintiff in this case.

3 2. As stated in the Declaration of Thomas Wheeler, Executive Director for Plaintiff
4 Environmental Protection Information Center (EPIC), EPIC has given its written consent, in
5 accordance to California Rule of Professional Conduct 3.7(a)(3), to allow me to present
6 photographic and other evidence that I attained and that is related to the Bartlett timber sale, as
7 detailed below and in the attached exhibits.

8 3. All the documents attached to my declaration are true and correct copies of
9 original documents or photographs, except that I have highlighted some of the documents' text in
10 yellow to draw the Court's and parties' attention to the relevant facts therein. Plaintiff's counsel
11 has uploaded many additional photographs with descriptions and tagged with GPS locations to a
12 Google Photos folder, which can be viewed at <https://photos.app.goo.gl/UN5Mtre7YQrfsCSX8>.
13 Plaintiff's counsel provided this photographic evidence to Defendants' counsel as early as
14 October 25, 2019. *See* Exhibit 8 hereto (e-mail message to DOJ's Sally Sullivan with link and
15 list of concerns).

16 4. Attached hereto as Exhibit 1 is a true and correct copy of an October 23, 2019,
17 email from Defendants' counsel Sally Sullivan, which provides information about the status of
18 and the anticipated completion of logging activities for the Bartlett and M5 timber salvage sales.

19 5. Attached hereto as Exhibit 2, Figures 1-4, are photographs of the Bartlett timber
20 salvage sale area, depicting what I observed as felled green trees.

21 6. Attached hereto as Exhibit 3, Figures 5-9, are photographs of the Bartlett timber
22 salvage sale area, depicting what I observed as marked live green trees that had not been felled as
23 of October 24, 2019. In my observations, I noticed that only merchantable trees were marked for
24 felling, whereas many smaller hazardous trees directly adjacent to roads were left standing,
25 posing immediate potential dangers to the public that used these open roads. In fact, Defendants'
26 counsel confirmed that the Forest Service does not require the timber contractors to remove non-
27 merchantable trees, and will only deal with smaller hazard trees at a later time. *See* Exhibit 7 at
28 1, attached hereto (Defendants' email from October 30, 2019 to Plaintiff's counsel). Moreover,

1 the marked live green trees that were not damaged by fire have no risk of falling to any greater
2 degree than any other live tree near a roadway outside the fire area.

3 7. Attached hereto as Exhibit 4, Figures 10-12, are photographs of the Bartlett
4 timber salvage sale area, depicting what I observed as large clearings along roads created by
5 logging along one or both sides of roads in the Bartlett project area.

6 8. Attached hereto as Exhibit 5, Figures 13-18, are photographs of the Bartlett
7 timber salvage sale area, depicting what I observed as bare soil and disturbance from skidding
8 logs and heavy equipment. Of note, I observed many trees that were marked for felling
9 downslope of several roads and stumps of other trees that were felled, which in my view could
10 not have fallen and reached the road to cause a hazard, since they were not tall enough to span
11 that distance and trees cannot roll uphill. As an example, see Exhibit 5, Figure 13, in which
12 downslope stumps of medium-sized trees are visible, which could not have threatened the uphill
13 road upon falling. In its response, the Forest Service did not address Plaintiff's concern about
14 this issue, and merely stated that it was following its tree marking guidelines. *See* Exhibit 7 at 2,
15 attached hereto.

16 9. Attached hereto as Exhibit 6 is a map depicting the Bartlett timber salvage sale
17 area, which includes sale unit and road information, referenced in the Figures in Exhibits 2
18 through 5.

19 10. Attached hereto as Exhibit 7 is a true and correct copy of email correspondence
20 between Plaintiff's and Defendants' counsel from October 28 to 30, 2019, regarding attempts to
21 resolve Plaintiff's concerns about the Bartlett salvage sale to avoid a motion for temporary
22 restraining order.

23 11. Attached hereto as Exhibit 8 is a true and correct copy of email correspondence
24 between Plaintiff's and Defendants' counsel from October 25, 2019, providing a list of
25 Plaintiff's concerns with the Bartlett salvage sale and a link to the Google Photos folder
26 displaying many of the photographs taken on October 24, 2019, of the Bartlett salvage sale area
27 and logging operations.
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